

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

UNITED STATES, et al., )  
                            )  
Plaintiffs,             )  
v.                         )                          No. 1:23-cv-00108-LMB-JFA  
                            )  
GOOGLE LLC,             )  
                            )  
Defendant.             )

**[PROPOSED] ORDER SUSTAINING IN PART PLAINTIFFS' OBJECTIONS TO  
MAGISTRATE JUDGE'S ORDER DENYING  
MOTION TO AMEND COORDINATION ORDER<sup>1</sup>**

Before the Court is Plaintiffs' Objections to the Magistrate Judge's Order of April 19, 2024 denying Plaintiffs' Motion to Amend Order Regarding Coordination of Discovery. ECF No. 622.

*Whereas*, Plaintiffs seek access to "transcripts [including exhibits] from depositions of witnesses who are already listed on any parties' initial disclosures served in this case" (*see* ECF No. 622-1);

*Whereas*, upon hearing Plaintiffs' objections, the Court overruled the decision of the Magistrate Judge and ruled that Plaintiffs' request should be granted but that "the order would be, only those witnesses who are going to be called to testify, who have been deposed, their transcripts would be appropriate" (5/31/2024 Hearing Tr. at 10:24-11:1);

*Whereas*, counsel for Google represented to the Court: "So we would submit a way to go forward here is, let's exchange those witness lists on June 28th, and for anybody on those

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<sup>1</sup> The parties met-and-conferred following the hearing but were unable to agree on a joint proposed order.

witness lists, we'll turn over the transcripts" (5/31/2024 Hearing Tr. at 11:8-11);

After considering the arguments and submissions of the parties, Plaintiffs' objections are SUSTAINED IN PART, and

IT IS HEREBY ORDERED that for any witness appearing on either side's Witness List filed on June 28, 2024, for whom a deposition was taken in *The State of Texas, et al. v. Google LLC*, No. 4:20-cv-00957-SDJ (E.D. Tex.) (the "Texas Case"), Google will produce to Plaintiffs the Texas Case deposition transcript (and exhibits thereto) by July 5, 2024, for use solely for impeachment of that witness. This shall include testimony of corporate entities if the corporate entity or one of its employees is listed on either side's Witness List filed on June 28, 2024.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2024

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WE ASK FOR THIS:

JESSICA D. ABER  
United States Attorney

/s/ Gerard Mene  
GERARD MENE  
Assistant U.S. Attorney  
2100 Jamieson Avenue  
Alexandria, VA 22314  
Telephone: (703) 299-3777  
Facsimile: (703) 299-3983  
Email: [Gerard.Mene@usdoj.gov](mailto:Gerard.Mene@usdoj.gov)

/s/ Julia Tarver Wood  
JULIA TARVER WOOD  
MICHAEL E. WOLIN  
AARON M. TEITELBAUM

United States Department of Justice  
Antitrust Division  
450 Fifth Street NW, Suite 7100  
Washington, DC 20530  
Telephone: (202) 307-0077  
Fax: (202) 616-8544  
Email: [Julia.Tarver.Wood@usdoj.gov](mailto:Julia.Tarver.Wood@usdoj.gov)

Attorneys for the United States

JASON S. MIYARES  
Attorney General of Virginia

/s/ Tyler T. Henry  
STEVEN G. POPPS  
Deputy Attorney General  
TYLER T. HENRY  
Assistant Attorney General

Office of the Attorney General of Virginia  
202 North Ninth Street  
Richmond, VA 23219  
Telephone: (804) 692-0485  
Facsimile: (804) 786-0122  
Email: [thenry@oag.state.va.us](mailto:thenry@oag.state.va.us)

Attorneys for the Commonwealth of Virginia and local counsel for the States of Arizona, California, Colorado, Connecticut, Illinois, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, Tennessee, Washington, and West Virginia